

1 PAMELA Y. PRICE, ESQ. (STATE BAR NO. 107713)
2 P.O. Box 5843
3 Oakland, CA 94605
Telephone: (510) 452-0292
3 E-mail: pamela@pypesq.com

4 LAWRENCE WHITE, ESQ. (STATE BAR NO. 69531)
195 - 41 Street, P.O. Box 11213
5 Oakland, CA 94611
Telephone: (510) 250-9040
6 E-mail: larrywhitelcw@yahoo.com

7 Attorneys for Intervenors COALITION FOR
8 POLICE ACCOUNTABILITY, RASHIDAH
GRINAGE, SAIED KARAMOOZ, ANNE JANKS
9 AND JOHN JONES, III

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12
13

14 DELPHINE ALLEN, et al.,) CASE NO. C00-cv-04599-WHO
15 Plaintiffs,)
16 v.) **DECLARATION OF CATHY LEONARD IN
17 CITY OF OAKLAND, et al.,) SUPPORT OF THE INTERVENORS'
18 Defendants.) MOTION TO INTERVENE AS OF RIGHT, OR
19 _____) IN THE ALTERNATIVE, PERMISSIVE
) INTERVENTION
20
21 I, CATHY LEONARD, hereby declare:
22
23 1. I make this Declaration on personal knowledge in support of the Coalition for Police
Accountability and other community representatives' Motion to intervene in this action.
24
25 2. I am a resident and native of Oakland, California. I have lived in Oakland for the
majority of my life. During that time, I have been a witness to the disparate treatment of African-
26 Americans in the Oakland community.
27
28 3. I have been involved in volunteer community and public service for years on behalf
of Oaklanders, i.e.**

1 a. I am the co-founder, former co-chair and former public safety
 2 co-chair of nonprofit Santa Fe Community Association & Neighbors
 3 (which I co-founded) and represented the interests of neighborhood
 4 residents and businesses.

5 b. I am a board member of the Golden Gate Community
 6 Association, whose mission is to address the present and future needs
 7 of our underserved community.

8 c. I am the District 1 Community Development Block Grant
 9 board member. The CDBG board allocates funding for social services
 10 and capital infrastructure improvements to disadvantaged
 11 communities based on the population of low- and moderate income
 12 residents.

13 d. I am a Steering Committee member of the Coalition for Police
 14 Accountability which advocates for accountability of the Oakland
 15 Police Department to the community so that the Oakland Police
 16 Department operates with equitable, just, constitutional, transparent
 17 policies and practices that reflect the values and engender the trust of
 18 the community.

19 e. I regularly attend Police Commission hearings and Oakland
 20 City Council meetings, and on occasion attend the Oakland City
 21 Council's Public Safety Committee and other City committee
 22 meetings. I speak at all of these meetings. I also attend community
 23 meetings and engage with Oaklanders all over the City on behalf of
 24 the Oakland Neighborhoods for Equity (soon to gain nonprofit status)
 25 in an effort to ensure that Oakland's most vulnerable communities are
 26 being served.

27 4. At all of the City meetings listed in Item 3 above, I make continual demands that
 28 Oakland Police Department complete the Negotiated Settlement Agreement (hereinafter referred to
 1 as "NSA"), cease racial profiling, cease indiscriminate shootings of Black and Brown citizens, and
 2 cease wasting taxpayers' precious resources. Citizens are paying an inordinate amount of money to
 3 support a police department that does not serve our City's and citizens' interest. Just last year, our
 4 City paid over \$12 million dollars in lawsuits due to misconduct and failure to follow procedures,
 5 with no end in sight. We have paid out millions in court monitoring and court compliance fees,
 6 with no end in sight. I have watched as Chief Kirkpatrick rewarded police officers with promotions
 7 when they were guilty of cover-ups within the department. "Outlier" police officers remain on the
 8 City's payroll without being disciplined. Millions of dollars are spent in unbudgeted police
 9 overtime with no end in sight. This police department is unable to police itself, rein in
 10

1 overspending, discipline its officers, and it continues to violate the civil rights of its Black and
 2 Brown citizens, while we pay the price.

3 5. For many years now, Oakland has in the grip of an ever increasing affordability
 4 housing crisis which has forced thousands of poor and working poor into homelessness. There are
 5 homeless camps and curbside communities in each of the seven (7) districts in Oakland. I
 6 personally receive donations of clothes and toiletries to donate to these communities. I believe that
 7 the millions of dollars which have been spent during the never ending life of this NSA could have
 8 been used to assist our disadvantaged communities, many who have been displaced through no fault
 9 of their own.

10 6. I have followed this case practically since its inception. I see no real change in the
 11 culture of the Oakland Police Department toward the people they have sworn to protect and serve. I
 12 believe that community involvement at this stage is imperative and will expedite the transformation
 13 of our police department and dramatically improve community-police relations.

14 7. Unlike most Department of Justice consent decrees (including the one in Maricopa
 15 County where Robert Warshaw and Jim Chanin are both court appointed monitors), our NSA lacks
 16 any provision for community involvement or engagement in the implementation of the mandated
 17 reforms. I believe this is one of the reasons why compliance has been delayed and has suffered
 18 many setbacks for so many years.

19 8. Since March 2014, I have served as a board member of the Community Policing
 20 Advisory Board for the City of Oakland.

21 9. The Community Policing Advisory Board was established in 1996 to (in pertinent
 22 part):

23 a. Monitor and report to the Mayor and City Council on the implementation of
 24 community policing as described in Resolution 79235;

25 b. Provide recommendations to the Mayor, City Council, and City staff on steps
 26 to improve community policing;

27 c. Serve as advisors to the Chief of Police and police command staff on
 28 community policing matters;

29 d. Maintain communication between the Police Department and the

1 neighborhood Crime Prevention Councils and Neighborhood Watch groups and Merchants Watch
 2 groups;

3 e. Assist in educating and informing the public about community policing, its
 4 current progress and its direction . . .

5 10. Oakland City Council Resolution 79235, "Section 5 – Citywide Organization"
 6 provides in pertinent part:

7 "Section 5.8 "The City Administrator or his designated representative
 8 and Chief of Police **shall** attend advisory board meetings and provide
 9 the advisory board with all information it deems necessary to carry
 10 out its responsibilities." [Emphasis mine]

11 I attend these meetings regularly as a member of the Advisory Board. Unlike the City
 12 Administrator, the Chief has no discretion to send her "designated representative" to the CPAB
 13 meeting. During her entire tenure as the chief of police, Chief Anne Kirkpatrick has not attended
 14 even one of our meetings, she sends command staff. Many times community members have asked
 15 questions and sometimes command staff cannot answer the question, have to confer with the Chief
 16 and come back later with an answer. This is disruptive to the process and the flow of vital
 17 information. I believe Chief Kirkpatrick does not take community policing seriously, otherwise she
 18 would attend every meeting as mandated by Resolution 79235.

19 11. Based on my many years of community service and experience addressing public
 20 safety in Oakland, I am very familiar with the provisions of the NSA and the numerous Orders
 21 issued by the Court and the City's consistent resistance to compliance with this Court's Orders. To
 22 me, this signifies that Chief Kirkpatrick does not take this Court's Orders seriously either.

23 12. I voted for Measure LL and urged Oaklanders to do the same since it was clear to me
 24 that Defendant City of Oakland (which includes our Mayor, City Administrator and prior and
 25 present police chiefs) was unable or unwilling to manage the police department. I believed that a
 26 change in the City Charter would be required to shift that responsibility to an independent civilian
 27 oversight body. The voters agreed. Measure LL passed overwhelmingly with over 83% of the
 28 ballots cast in its favor. Since that time defendant City of Oakland has erected barriers to the full
 implementation of Measure LL, the enabling ordinance, and the Police Commission. The Police
 Commission still does not have the requisite staff to do its mandate.

1 13. Sadly, I am not surprised that, after agreeing to complete the set of reforms
 2 contained in the NSA within five years (which would be 2008), the police department remains out
 3 of compliance with the most central reforms that deal with the use of force, filing false reports,
 4 flawed investigations and racial profiling.

5 14. Due to failed leadership, I believe the police department is incapable of learning
 6 from their past mistakes. For example, in 2015, OPD officers killed Demouria Hogg while he was
 7 asleep in his vehicle. Last year, the police department unleashed a barrage of bullets into Joshua
 8 Pawlik, who was also sleeping and moved when they woke him up. Police tanks were present at
 9 each shooting. It is time for the intervenors to enter this case and represent the citizens of Oakland.

10 15. I was shocked and stunned by the killing just 14 blocks from my home in North
 11 Oakland. In March 2019, I learned of the circumstances under which Mr. Pawlik died. When I
 12 learned of the deeply flawed OPD investigation and Chief Anne Kirkpatrick's "disciplinary
 13 actions," I was extremely upset and felt compelled to prepare this declaration.

14 16. I fully support the request by the Coalition for Police Accountability for the
 15 Court-appointed Monitor Robert Warshaw to terminate Chief Anne Kirkpatrick and was present on
 16 the steps of City Hall at the rally calling for her termination.

17 17. I agree with Mr. Warshaw's assessment that Chief Kirkpatrick's analysis of the use
 18 of force that resulted in the death of Joshua Pawlik was "disappointing and myopic."

19 18. I am also appalled at the conduct of the Oakland Police Department in other
 20 instances. I was present at the City Council meeting where the Council was asked to approve the
 21 following settlements:

- 22 a. Approximately \$60,000 to an African-American minor child who was either
 23 punched or slapped in the face by an Oakland police officer. I am informed
 and believe that this officer is still employed by OPD.
- 24 b. Approximately \$12 million to a man run over by an Oakland police officer
 25 who ran a red light in violation of department policy. The man suffered a leg
 26 amputation, his pelvis and vertebrae were fractured, and as he lay partially
 27 paralyzed was berated by the officer and accused of running the red light.
 28 The officer denied running a red light. Video footage from a business showed
 that the officer clearly ran a red light when he struck the motorcyclist. Lying
 is a fireable offense yet I am informed and believe that this officer is still
 employed by OPD.

1 19. I am informed and believe that \$989,000 was paid to a 19-year-old woman who was
2 sexually abused by several Oakland police officers while she was a minor. Pedophile officers who
3 attempted to cover up this sexual abuse were not disciplined.

4 20. I believe that the parties to the litigation have not been able to effectively curtail the
5 use of excessive force by OPD or the practice of racial profiling that occurs every day in our City.

6 21. The continuing glaring deficiencies in OPD's investigations of police misconduct
7 continue to cost the City and taxpayers millions of dollars. None of the parties to the litigation has
8 called upon the Monitor to terminate Chief Kirkpatrick.

9 22. As a resident and native Oaklander, I am very concerned about lawless police
10 misconduct, particularly when it results in physical harm or death to persons present in our City. I
11 am very concerned about unconstitutional misconduct by our police, including the use of excessive
12 force, racial profiling, perjury and the obstruction of justice. I am acutely aware that I risk the
13 violation of my constitutional rights anytime I encounter an OPD officer. Other members of my
14 immediate family live in Oakland. They too are at risk of death or injury at the hands of OPD.

15 23. As a resident of Oakland, I pay sales taxes and I am very aware and concerned that
16 for the past sixteen years, my tax dollars have been used to pay for misconduct committed by
17 Oakland police officers and the monitoring activities mandated by this Court under the NSA.

18 24. For all the reasons stated above, I urge this Court to grant the request of the
19 Coalition for Police Accountability and our individual representatives to intervene in this case.

20 I declare under penalty of perjury under the laws of the State of California and the United
21 States that the foregoing is true and correct. If called as a witness, I could and would testify
22 competently to the matters stated in this Declaration.

23 || Executed in Oakland, California on April 2, 2019.

/s/ *Cathy Leonard*
CATHY LEONARD, Declarant